

## Consent Policy Statement

Participants must comply with the provisions in the Massachusetts Health Information Highway (“Mass HIway” or “HIway”) Participation Agreement, Services Addenda, and Policies and Procedures (together the “Agreement”), with regard to obtaining patient permission to use the Mass HIway (the “Consent Requirements” or “Consent”).

Consolidated Consent Requirements are summarized below for ease of reference:

- Scope of Consent. Participant is responsible for obtaining patient permission to share patient information over the Massachusetts Health Information Highway. This permission pertains solely to the use of the Mass HIway. Participant is responsible for obtaining any and all additional patient consents and authorizations, including without limitation consent to release HIV test results, genetic test information, substance abuse information, and as otherwise required by law.
- Levels of Consent. The Mass HIway offers two levels of functionality, Direct Messaging and Query & Retrieve. Direct Messaging allows encrypted “push” transactions between participants. Query & Retrieve enables the listing of Participant-Patient relationships on the secure, web-based Mass HIway Relationship Listing Service (RLS) and makes this information available to other authorized Mass HIway users. This service involves collection and storage of limited patient demographic data by the Mass HIway.
  - Consent for Direct Messaging. If Participant is solely enabling Direct Messaging functionality, Participant must get patient permission to use the Mass HIway to transmit patient health information. Participant must identify the Mass HIway as a mode of exchange.
  - Consent for Query & Retrieve. If Participant is also enabling Query and Retrieve functionality, Participant must follow the consent requirements for Direct Messaging, and also get patient permission to transmit specified patient demographic information to the Mass HIway RLS, which stores the patient demographic information and discloses the Participant’s relationship with the Patient to other authorized RLS users. As part of obtaining this permission, Participant must describe the Mass HIway Query & Retrieve functionality to the patient.
- Consent Forms and Language. The Mass HIway does not prescribe specific consent forms or language and thus allows Participants flexibility in designing and implementing Mass HIway consent processes in accordance with their local processes and patient needs. Optional templates and educational resources are available to assist Participants with development of their policies, processes, and materials. Contact us at [Masshiway@state.ma.us](mailto:Masshiway@state.ma.us) or 1-855-MA HIway (1-855-624-4929), or at [www.masshiway.net](http://www.masshiway.net).
- Duration of Consent. Mass HIway imposes no specified duration on Mass HIway consent. The following situations require new consent collection by a Participant:
  - Changes in HIway Functionality. New consent must be obtained if a Participant has consented Patients solely for Direct Messaging and later adds Query & Retrieve functionality. Should a Participant wish to implement the Mass HIway functionality in stages, but does not want to obtain new consent when adding Query & Retrieve, the Participant may do so by following Query & Retrieve consent requirements. While the Mass HIway does not anticipate any additional changes in Mass HIway functionality that would require new consent, the Mass HIway reserves the right to create new consent requirements if appropriate.
  - Change in status of adolescent Patients. Participants shall follow the law and their own internal policies when it comes to mature and emancipated minors.
- Changes in Consent. Participants are required to allow Patients to change their Mass HIway consent preferences. Participants are responsible for updating consent preferences with the Mass HIway.
- Disclosures. Participants are required to provide an accounting of disclosures to Patients as required under HIPAA. The Mass HIway will provide to the Participant available Mass HIway transaction logs and RLS audit logs upon request by the Participant.